

**COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
KENT COUNTY COURTHOUSE
DOVER, DELAWARE 19901
PHONE: (302) 739-4618**

**CHARLES W. WELCH, III
JUDGE**

February 15, 2011

Mr. Joshua W. Hughes
203 Madison Avenue
Harrington, DE 19952

Stephen P. Doughty, Esq.
Lyons, Doughty and Veldhuis, P.A.
15 Ashley Place, Suite 2B
Wilmington, DE 19804

RE: Beneficial Financial I Inc. v. Joshua W. Hughes
C.A.No.: CPU5-10-002241

Decision on Motion to Strike Defendant's First Set of Answers to the Plaintiff's
Complaint

Dear Mr. Hughes and Mr. Doughty:

I am in receipt of the Defendant's Motion to Strike Defendant's First Set of
Answers to the Plaintiff's Complaint that was filed with the court on January 31, 2011.
After a careful consideration of the motion, please be advised that it is denied.

In his motion, the defendant contends that he is not an attorney and, thus, was not
aware of the proper format by which to file an Answer to the plaintiff's Complaint when
he filed his first Answer. He further contends that he has been unduly prejudiced by his
"lack of knowledge concerning the law and the way in which to act upon it" since the
plaintiff's attorney has used his improperly formatted Answer to form interrogatories in
this case.

A party's status as a self-represented litigant does not excuse a failure to strictly
comply with Delaware's law and court rules when pursuing an action. *Nti v. Hall*, 2007
WL 3231601, at *2 (Del. Com. Pl.) (citing *Laboy v. State*, 846 A.2d 238 (Del. 2003)).
The fact that the plaintiff may have filed an Answer to the Complaint that may not be in
the proper format pursuant to court rules may not be remedied by a motion to strike (or
withdraw) his Answer.

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The court also fails to see how the granting of such a motion would prevent the plaintiff from using information on it in its formulation of its interrogatories to the defendant. Discovery is an ordinary occurrence in most cases. Parties are permitted to seek discovery and it is the respondent's obligation to comply with it. It is of no legal consequence that the plaintiff's attorney has allegedly used the defendant's improperly filed Answer in drafting discovery requests

IT IS SO ORDERED.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Welch, III". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles W. Welch, III

CWW:mek